

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLISON M. LINKO, and
NICHOLAS LINKO

Plaintiffs,

v.

AMERICAN EDUCATION SERVICES,
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, and JOHN
DOES 1 – 10 and XYZ CORPORATIONS

Defendants.

CIVIL ACTION NO. *1:12-CV-355*

**NOTICE OF REMOVAL BY DEFENDANTS
AMERICAN EDUCATION SERVICES, and
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY**

To: Clerk
United States District Court
Middle District of Pennsylvania
228 Walnut Street
Harrisburg, PA 17102

NOW COMES the Defendants, American Education Services and the Pennsylvania Higher Education Assistance Agency, and hereby file this Notice of Removal of this matter from the Court of Common Pleas of Dauphin County, Pennsylvania, where it is now pending, to the United States District Court for the Middle District of Pennsylvania, and in support thereof, avers as follows:

1. Plaintiffs Allison M. Linko and Nicholas Linko (hereinafter "Plaintiffs") commenced this action by the filing of a Writ of Summons with the Prothonotary of the Court of Common Pleas of Dauphin County on December 19, 2011. (A true and correct copy of the aforementioned document is attached hereto as "Exhibit A".)

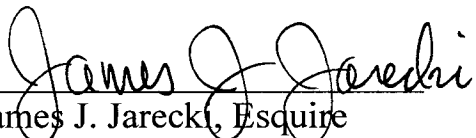
2. On January 31, 2012, Plaintiffs filed their Complaint. (A true and correct copy of the aforementioned document is attached hereto as "Exhibit B".)

3. This removal is timely in that it is being filed and served within thirty (30) days of the date that the Defendants received of copy of Plaintiffs' Complaint. Sikirica v. Nationwide Ins. Co., 416 F.3d 214, 223 (3d Cir. 2005); Donato-Cook v. State Farm Fire & Casualty Co., 2009 WL 2169168, at *2 (M.D. Pa., July 20, 2009).

4. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(b) in that it arises under the federal Telephone

Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, as pled on the face of the Plaintiffs' Complaint. This Court may exercise supplemental jurisdiction over any alleged state law claims pursuant to 28 U.S.C. § 1367(a).

Respectfully submitted,


James J. Jarecki, Esquire
C. Doran Vance, Jr., Esquire
Attorneys for Defendants
American Education Services and
Pennsylvania Higher Education
Assistance Agency
1200 North Seventh Street
Harrisburg, PA 17102-1444
(717) 720-1568
jjarecki@pheaa.org
cvance@pheaa.org

Date: February 24, 2012